

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| IN RE TREMONT SECURITIES LAW, | : | |
| STATE LAW AND INSURANCE | : | Master File No.: |
| LITIGATION | : | 08 Civ. 11117 (TPG) |
| ----- | | |
| This Document Relates to: | : | |
| ELENDOW FUND, LLC, | : | |
| | : | 10 Civ 9061 (TPG) |
| Plaintiff, | : | |
| | : | ECF CASE |
| -against- | : | Electronically Filed |
| RYE SELECT BROAD MARKET XL FUND, | : | <u>NOTICE OF MOTION</u> |
| L.P., et al, | : | |
| | : | |
| Defendants. | : | |
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PLEASE TAKE NOTICE that, upon the Amended Complaint, the accompanying memorandum of law, the Declaration of Jason C. Vigna, dated February 8, 2012, and the exhibits thereto, and all prior papers and proceedings herein, defendants Tremont Group Holdings, Inc., Tremont Partners, Inc., Tremont Capital Management, Inc., Rye Investment Management, Rupert Allan, Jim Mitchell and Robert Schulman will move this Court, before the Honorable Thomas P. Griesa, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order: (i) striking certain paragraphs of the Amended Complaint pursuant to Rule 12(f) of the Federal Rules of Civil Procedure; (ii) dismissing the Amended Complaint pursuant to Rules 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and Section 101(b) of the Private

Securities Litigation Reform Act (“PSLRA”), 15 U.S.C. § 78u-4(b)(2); and (iii) for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
February 8, 2012

/s/ Seth M. Schwartz

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